

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7643

BILL NUMBER: HB 1556

NOTE PREPARED: Feb 18, 2005

BILL AMENDED: Feb 17, 2005

SUBJECT: Anatomical Gifts.

FIRST AUTHOR: Rep. Becker

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: Local

Summary of Legislation: (Amended) This bill requires a coroner to facilitate permission for transplantation of organs, tissues, and eyes. The bill establishes procedures that a medical examiner or pathologist must follow if the medical examiner or pathologist considers withholding organs or tissues. It also requires the procurement organization to provide reimbursement for the cost of organ removal if the medical examiner or pathologist is required to be at the hospital. The bill provides that if a procurement organization has an agreement to perform anatomical gift services at a hospital the procurement organization is considered the donee for gifts from patients who die at the hospital.

Effective Date: July 1, 2005.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) This bill would add a procurement organization to the list of persons qualified to remove anatomical gifts. The bill also specifies that a procurement organization that has an agreement with a hospital to perform anatomical gift donation services for the hospital is considered to be the donee of all gifts from patients who have died at the hospitals except in the instance of a gift made by a donor for a specific donee.

The Centers for Medicare and Medicaid Services (CMS) requirements stipulate that patient deaths or imminent patient deaths be reported to the hospital's organ procurement organization (OPO) and that a request for an organ donation be made by the OPO requestor or another specially trained person. Joint Commission on

Accreditation of Healthcare Organizations (JCAHO) requirements are similar and require hospitals to have a contract with an OPO to meet accreditation standards.

The bill specifies that if the pathologist or medical examiner considers withholding tissue of organs of a potential donor, the pathologist shall be present during the removal of the organs or tissue. If the pathologist is required to be at the hospital to examine the decedent, before or during the removal of the organs, the procurement organization is required to reimburse the county or an entity designated by the county for actual costs not to exceed \$1,000. (Coroners in rural areas may not have access to full-time pathologists who would be available to determine what tissue and organs may be harvested without destroying evidence needed for the coroner's investigation.)

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: County coroners; County-owned hospitals.

Information Sources: "Health Care at the Crossroads: Strategies for Narrowing the Organ Donation Gap and Protecting Patients", a policy paper of the Joint Commission On the Accreditation of Healthcare Organizations at: <http://www.jcaho.org/about+us/public+policy+initiatives/organ+donation+white+paper>, and Gene Powlen, Cass County Coroner and President of the Indiana Coroner's Association, 574-722-5151.

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